

# RAILROAD SAFETY ADVISORY COMMITTEE CHARTER

## 1. COMMITTEE'S OFFICAL DESIGNATION

The committee's official designation is the Railroad Safety Advisory Committee (RSAC).

## 2. AUTHORITY

The RSAC is established under the authority of the U.S. Department of Transportation and is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

The formation and use of RSAC are determined to be in the public interest in connection with the performance of duties imposed on the Secretary, and delegated to the Federal Railroad Administration (FRA) Administrator, by the Federal railroad safety statutes (49 U.S.C. §§ 20101–21311). *See* Memorandum of the President titled, "Regulatory Reinvention Initiative" (March 4, 1995), and Sec 6(a) of Executive Order 12866 (Sept. 30, 1993).

## 3. OBJECTIVE AND SCOPE OF ACTIVITIES

The objective of the committee is to provide a continuing forum for advice and recommendations to the Administrator on railroad safety issues, including security. As all interested segments of the railroad industry and the public will be represented on the committee, all of the FRA affected entities and the public will have a more direct role in shaping FRA's regulatory program. The committee will allow management, labor, FRA, the Transportation Security Administration, and other interested parties to cooperatively address safety and security problems by identifying the best solutions based on agreed-upon facts, and where regulation appears necessary, identify regulatory options to implement these solutions.

## 4. DESCRIPTION OF DUTIES

The committee will provide the structure for accepting tasks from the FRA Administrator and will provide advice for regulatory development through the collaborative rulemaking process. The collaborative rulemaking process is an effective approach to the FRA's rulemaking agenda that fully involves our affected entities, makes the best use of resources, and accommodates the rapidly evolving changes in the rail transportation industry. By harnessing the combined wisdom, resources, and experience of railroad industry experts who have the greatest knowledge and interest in promoting rail safety, including security, FRA is able to leverage its resources to produce rules that are more responsive, flexible, and better accepted by those required to implement them.

## 5. AGENCY OR OFFICAL TO WHOM THE COMMITTEE REPORTS

This committee reports and makes recommendations to the FRA Administrator. The Administrator is the sponsor of the committee and accepts or rejects recommendations produced by the committee.

6. **SUPPORT**

The FRA's Office of Railroad Safety will provide necessary funding, logistics, and administrative support for the committee.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS**

It is estimated that the committee's operating costs during fiscal years (FY) 2010 and 2011 will be \$275,000 annually, plus salary and expenses for approximately two to three support staff directly involved with the committee. FRA's Office of Railroad Safety and Office of Chief Counsel shall provide staff support as necessary for the committee.

8. **DESIGNATED FEDERAL OFFICER**

The RSAC Coordinator is the Designated Federal Officer (DFO) for this advisory committee and shall ensure that administrative support is provided for all activities.

- a. The DFO, in consultation with the Chairperson, shall be responsible for:
  - (1) Approving or calling meetings, with the approval of the sponsor, of the advisory committee.
  - (2) Formulating and approving the agenda for each meeting, which will be approved in advance by the sponsor and published in the *Federal Register*, in accordance with the provisions in section c, below.
  - (3) Notifying all members of the time, place, and agenda for any meeting.
  - (4) Maintaining all committee files and records.
- b. Minutes must be kept of each committee meeting and include the following:
  - (1) Time, date, and place of the meeting.
  - (2) A list of all attendees at the meeting.
  - (3) A summary of matters discussed and conclusions reached.
  - (4) Copies of all reports received, issued, or approved by the committee.
  - (5) A description of the extent to which the meeting was closed to the public, if authorized under 41 Code of Federal Regulations (C.F.R.) § 101-6.1023.
  - (6) A description of public participation, including a list of the members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.
- c. Timely notice of committee meetings must be published in the Federal Register at least 15 calendar days before the meeting.

**9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS**

The committee will meet approximately four times a year. Subordinate staff groups will meet as necessary, to accomplish assigned tasks by the committee and will report progress and findings at each full committee meeting.

Each meeting shall be open to the public. Persons wishing to appear before the committee must make prior arrangements to do so. Written materials may be submitted to the committee at any time. Each meeting will be held at a reasonable time; in a place reasonably accessible to the public; and in a room large enough to accommodate the committee members, staff, and interested members of the public. Meetings may be closed to the public only as authorized by Section 10(d) of the Federal Advisory Committee Act (Title 5 U.S.C. Appendix II), as implemented by 41 C.F.R. pt. 101-6.

**10. DURATION**

The RSAC is a continuing committee.

**11. MEMBERSHIP AND DESIGNATION**

The committee will be composed of approximately 63 representative members who will serve in a representative capacity from 37 member organizations representing various rail industry perspectives, 2 associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other diverse groups. Staffs (regular Government employees) of the Transportation Security Administration, National Transportation Safety Board, and the Federal Transit Administration also participate in an advisory capacity. The number of seats awarded to each member organization will be divided among the interests it represents. The committee will have sufficient diversity to ensure the requisite range of views and expertise necessary to discharge its responsibilities. The membership on the committee will be fairly balanced with points of view representative of the railroad community, including those of railroad owners, manufacturers, labor groups, State Government groups, and public associations. To foster harmonization of railroad safety and security standards at their inception, the agencies with regulatory responsibility for railroad safety in both Canada and Mexico will be extended associate memberships that will not include any voting rights. The members of the committee will be designated by the Administrator from the nominees of the organizations listed in the attachment to this charter.

Members of the committee who are not full-time employees of the U.S. Government serve without compensation.

Members of the committee who are full-time employees of the U.S. Government serve without additional compensation but may be allowed transportation and per diem in lieu of subsistence and other expenses, in accordance with the Department of Transportation Civilian Travel Regulations.

## **12. RECORDKEEPING**

The records of the committee, formally and informally established subcommittees, and other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2, or another approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552) and the Department's regulations governing the protection of sensitive security information (49 C.F.R. pt. 15). The records, reports, transcripts, minutes, and other documents that are made available to or prepared for or by the committee are available for public inspection at [www.regulations.gov](http://www.regulations.gov) under Docket No. FRA-2000-7257.

## **13. FILING DATE**

This committee is effective May 17, 2010, which is the filing date of this charter. The committee will remain in existence for 2 years after this date unless sooner terminated or renewed.